

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

LUV N' CARE, LTD. and  
ADMAR INTERNATIONAL, Inc.

Plaintiffs,

vs.

WALGREEN CO. and  
KMART CORP.

Defendants.

CIVIL ACTION NO.

08-CIV 4457 (DC/HP)

**DECLARATION OF KARIN KENNEDY IN SUPPORT OF MOTION FOR SUMMARY  
JUDGMENT**

Christopher and Weisberg, P.A., Attorneys for Walgreen Co. submit this declaration in support of Motion for Summary Judgment. Declarant Karin Kennedy, Esq., states:

1. My name is Karin Kennedy, and I am an attorney with the law firm Christopher & Weisberg, P.A., with offices at 200 East Las Olas Boulevard, Suite 2040, Fort Lauderdale, Florida, 33301 and 1455 Pennsylvania Avenue, N.W., Suite 100, Washington, D.C. 20004.
2. I am a member in good standing of the bar of the state of Florida.
3. I am over the age of 18 and able to testify to the matter declared here.
4. My firm represents defendant Walgreen Co.
5. Exhibits E1 – E25 are true and correct copies of web pages I downloaded on June 1, 2009.
6. On June 1, 2009, I visited the domain <http://canadianpreemieclothes.com> on the internet. At that domain I found a website at

[http://canadianpreemieclothes.com/index.php?main\\_page=product\\_info&cPath=5&products\\_id=5&zenid=0e7ae8be0242af0f4e04ccaf4c2a25c0](http://canadianpreemieclothes.com/index.php?main_page=product_info&cPath=5&products_id=5&zenid=0e7ae8be0242af0f4e04ccaf4c2a25c0). Ex. E1 is a true and correct copy of the web page I found at that website at that domain. Ex. E1 shows a Comb & Brush Set, sold by Canadian Premie Clothes. The second page to Ex. E1 is a true and correct enlargement of the picture located at the top left side of the web page of Ex. E1.

7. On June 1, 2009, I visited the domain [www.amazon.com](http://www.amazon.com) on the internet. At that domain I found a website at [http://www.amazon.com/Skip-Hop-Hare-Brush-Comb/dp/B001JDMVD6/ref=sr\\_1\\_6?ie=UTF8&s=hpc&qid=1243013535&sr=8-6](http://www.amazon.com/Skip-Hop-Hare-Brush-Comb/dp/B001JDMVD6/ref=sr_1_6?ie=UTF8&s=hpc&qid=1243013535&sr=8-6). Ex. E2 is a true and correct copy of the web page I found at that website at that domain. Ex. E2 shows the Skip Hop Hare Brush and Comb Set, made by Skip Hop. The second page of Ex. E2 is a true and correct enlargement of the picture located at the left top corner of the web page of Ex. E2.
8. On June 1, 2009, I visited the domain [www.amazon.com](http://www.amazon.com) on the internet. At that domain I found a website at [http://www.amazon.com/Disney-Baby-Hair-Brush-Comb/dp/B000ZMWOB6/ref=sr\\_1\\_4?ie=UTF8&s=toys-and-games&qid=1243013535&sr=8-4](http://www.amazon.com/Disney-Baby-Hair-Brush-Comb/dp/B000ZMWOB6/ref=sr_1_4?ie=UTF8&s=toys-and-games&qid=1243013535&sr=8-4). Ex. E3 is a true and correct copy of the web page I found at that website at that domain. Ex. E3 shows Disney Baby Hair Brush & Comb Set made by Disney. The second page of Ex. E3 is a true and correct enlargement of the picture located at the left top corner of the web page of Ex. E3.
9. On June 1, 2009, I visited the domain [www.amazon.com](http://www.amazon.com) on the internet. At that domain I found a website at [http://www.amazon.com/Mommys-Helper-62078-Nursery-Essentials/dp/B000AVKOPK/ref=pd\\_sbs\\_ba\\_3](http://www.amazon.com/Mommys-Helper-62078-Nursery-Essentials/dp/B000AVKOPK/ref=pd_sbs_ba_3). Ex. E4 is a true and correct copy of the web page I found at that website at that domain. Ex. E4 shows the Mommy's Helper

Nursery Essentials Set by Mommy's Helper. The second page of Ex. E4 is a true and correct enlargement of the picture located at the left top corner of the web page of Ex. E4.

10. On June 1, 2009, I visited the domain [www.amazon.com](http://www.amazon.com) on the internet. At that domain I found a website [http://www.amazon.com/Gentle-Care-Brush-Safety-1st/dp/B001RJAPIK/ref=pd\\_sbs\\_ba\\_9](http://www.amazon.com/Gentle-Care-Brush-Safety-1st/dp/B001RJAPIK/ref=pd_sbs_ba_9). Ex. E5 is a true and correct copy of the web page I found at that website at that domain. Ex. E5 shows the Gentle Care Baby Brush and Comb made by Safety 1<sup>st</sup>. The second page of Ex. E5 is a true and correct enlargement of the picture located at the left top corner of the web page of Ex. E5.
11. On June 1, 2009, I visited the domain [www.amazon.com](http://www.amazon.com) on the internet. At that domain I found a website [http://www.amazon.com/Ore-Originals-Peek-Comb0Brush/dp/B000HCMUDQ/ref=sr\\_1\\_1?ie=UTF8&&S=BABY-PRODUCES&QID=1243013535&SR=8-1](http://www.amazon.com/Ore-Originals-Peek-Comb0Brush/dp/B000HCMUDQ/ref=sr_1_1?ie=UTF8&&S=BABY-PRODUCES&QID=1243013535&SR=8-1). Ex E6 is a true and correct copy of the web page I found at that website at that domain. Ex E6 shows the Ore Originals Peek A Boo Comb and Brush Set, made by ORE Originals. The second page of Ex. E6 is a true and correct enlargement of the picture located at the left top corner of the web page of Ex. E6.
12. On June 1, 2009, I visited the domain [www.amazon.com](http://www.amazon.com) on the internet. At that domain I found a website at [http://www.amazon.com/405-Brush-Comb-Set/dp/B00005BQ4N/ref=sr\\_1\\_2?ie=UTF8&s=hpc&qid=1243013535&sr=8-2](http://www.amazon.com/405-Brush-Comb-Set/dp/B00005BQ4N/ref=sr_1_2?ie=UTF8&s=hpc&qid=1243013535&sr=8-2). Ex E7 is a true and correct copy of the web page I found at that website at that domain. Ex E7 shows the Brush & Comb Set made by Sassy. The second page of Ex. E7 is a true and

correct enlargement of the picture located at the left top corner of the web page of Ex. E7.

13. On June 1, 2009, I visited the domain [www.amazon.com](http://www.amazon.com) on the internet. At that domain I found a website at [http://www.amazon.com/Silver-Brush-Comb-Baby-Gift/dp/B0012B8HNI/ref=sr\\_1\\_5?ie=UTF8&s=home-garden&qid=1243013535&sr=8-5](http://www.amazon.com/Silver-Brush-Comb-Baby-Gift/dp/B0012B8HNI/ref=sr_1_5?ie=UTF8&s=home-garden&qid=1243013535&sr=8-5)

Ex. E8 is a true and correct copy of the web page I found at that website at that domain.

Ex. E8 shows the Silver Brush and Comb Set Baby Gift made by Yacanna. The second page of Ex. E8 is a true and correct enlargement of the picture located at the left top corner of the web page of Ex. E8.

14. On June 1, 2009, I visited the domain [www.amazon.com](http://www.amazon.com) on the internet. At that domain I found a website at [http://www.amazon.com/Looney-Tunes-Baby-Tweety-Brush/dp/B000NGRSV0/ref=sr\\_1\\_8?ie=UTF8&s=toys-and-games&qid=12430135&sr=8-8](http://www.amazon.com/Looney-Tunes-Baby-Tweety-Brush/dp/B000NGRSV0/ref=sr_1_8?ie=UTF8&s=toys-and-games&qid=12430135&sr=8-8).

Ex. E9 is a true and correct copy of the web page I found at that website at that domain. Ex. E9 shows the Looney Tunes Baby Tweety Brush & Comb 2 pc Set made by Regent Baby Products. The second page of Ex. E9 is a true and correct enlargement of the picture located at the left top corner of the web page of Ex. E9.

15. On June 1, 2009, I visited the domain [www.amazon.com](http://www.amazon.com) on the internet. At that domain I found a website at [http://www.amazon.com/Gerber-Brush-Different-Colors-333211/dp/B000KKWHKG/ref=sr\\_1\\_9?ie=UTF8&s=hpc&qid=1243013535&sr=8-9](http://www.amazon.com/Gerber-Brush-Different-Colors-333211/dp/B000KKWHKG/ref=sr_1_9?ie=UTF8&s=hpc&qid=1243013535&sr=8-9)

Ex. E10 is a true and correct copy of the web page I found at that website at that domain.

Ex. E10 shows the Gerber Baby Comb, Brush Set, made by Gerber. The second page of

Ex. E10 is a true and correct enlargement of the picture located at the left middle of the web page of Ex. E10.

16. On June 1, 2009, I visited the domain [www.amazon.com](http://www.amazon.com) on the internet. At that domain I found a website at [http://www.amazon.com/Barton-Silverplate-Gifts-Something-Duckie/dp/B00244GAHM/ref=sr\\_1\\_10?ie=UTF8&s=home-garden&qid=1243013535&sr=8-10](http://www.amazon.com/Barton-Silverplate-Gifts-Something-Duckie/dp/B00244GAHM/ref=sr_1_10?ie=UTF8&s=home-garden&qid=1243013535&sr=8-10). Ex. E11 is a true and correct copy of the web page I found at that website at that domain. The second page of Ex. E11 shows the Silverplate Baby Gifts Something Duckie Brush and Comb Set, made by Reed & Barton. Ex. E11 is a true and correct enlargement of the picture located at the left top corner of the web page of Ex. E11.

17. On June 1, 2009, I visited the domain [www.amazon.com](http://www.amazon.com) on the internet. At that domain I found a website [http://www.amazon.com/gp/customer-media/product-gallery/B001DM4EUQ/ref=cm\\_ciu\\_pdp\\_images\\_all](http://www.amazon.com/gp/customer-media/product-gallery/B001DM4EUQ/ref=cm_ciu_pdp_images_all). Ex. E12 is a true and correct copy of the web page I found at that website at that domain. Ex. E12 shows the Baby oh Baby Boutique – Green Safari Set Brush and Comb made by Fisher Price. The second page of Ex. E12 is a true and correct enlargement of the picture located at the left top corner of the web page of Ex. E12.

18. On June 1, 2009, I visited the domain [www.amazon.com](http://www.amazon.com) on the internet. At that domain I found a website at [http://www.amazon.com/First-Years-Arc-Comfort-Comb%252fBrush/dp/B0019QCH3C/ref=pd\\_sbs\\_hpc\\_11](http://www.amazon.com/First-Years-Arc-Comfort-Comb%252fBrush/dp/B0019QCH3C/ref=pd_sbs_hpc_11). Ex. E13 is a true and correct copy of the web page I found at that website at that domain. Ex. E13 shows the Arc Comfort Comb/Brush Set made by The First Years. The second page of Ex. E13 is a true